REMARKS

Claims 1 and 9 were rejected under 35 U.S.C. §102(e) as being anticipated by

Bazin et al., i.e., pre-patent publication number 2003/0065456, hereinafter referred to as

Bazin. Claims 2-8 and 10-15 were rejected under 35 U.S.C. §103(a) as being

unpatentable over Bazin in view of Nelson, i.e., pre-patent publication number

2002/0120491.

By the foregoing amendment, limitations of claim 2 have been added into claim 1

to clarify that the present invention uses "product matrices" as the database for

recommending a product to the customer. Further, claim 1 has been amended to clarify

that there are first and second matrices in the product matrices respectively for a first

session and second or later sessions of counseling and that the second matrix is different

from the first matrix.

As claimed in claim 1, the vendor of a product can provide a recommendation to a

customer automatically from the beginning, without human intervention, by using the

product matrices as the database. In addition, it is possible with the present invention to

correct the product matrices stored in the product selection data based on the condition

data and the usage evaluation data stored in said storage means when a number of data

records stored in the storage means reaches a predetermined number or to generate

production adjustment data of the product selected based on a number of customers each

giving a satisfaction rating greater than or equal to a predetermined value.

Bazin describes a system for recommending cosmetic products to customer, while

it is silent about such features of the present invention as set forth in amended claim 1 or

in any of the dependent claims depending therefrom. In Bazin, it is described in

8

paragraph [0099] that "the person and/or computer performing the analysis and/or diagnosis could provide a grade indicating the condition of the external portion and/or product performance, and this grade could be stored in one of the data storage 16, 22". Thus clearly means that there is no data in the data storage in the first session of analysis and/or diagnosis in the system of Bazin.

Further, it is noted that Bazin fails to describe that the data stored in the data storage is organized in the form of "product matrices", contrary to the present invention. By organizing the data in the form of product matrices, it becomes possible to quickly identify the products to be recommended to the customer.

Nelson describes a system for surveying customer satisfaction by providing predetermined questions and processing the answers provided by the customer. Again, Nelson fails to teach any database of the product in the form of matrices as in the present invention.

Thus, even when Bazin is combined with Nelson, it is not possible to derive the subject matter as set forth in amended claim 1 of the present invention.

Pending claims 10 and 13 provide a product development program and medium recorded with such a program "for developing a product having new characteristics required for the product based on said condition data and said usage evaluation data stored in said storage means when a number of data records stored in said storage means reaches a predetermined number". According to the present invention, it becomes possible for a vendor to discover the products demanded by the customers but not provided and start developing of such products. Because development of product such as cosmetic product takes time, it is not realistic to replenish products whenever missing of

9

such products in inventory has been discovered as in the case of inventory management. Because of this reason, the present invention starts development activities only when "the number of data records stored in said storage means reaches a predetermined number".

Contrary to the present invention, both Bazin and Nelson fail to teach the foregoing feature of the present invention. As set forth before, Bazin merely teaches selection of recommendation from the data provide by the customer, while Nelson merely teaches processing of interactive survey data. Thus, even when Bazin is combined with Nelson, the subject matter of the present invention is not derived.

The same arguments hold for claims 11 and 14 that also teach a product development program for causing a computer to perform product development, by deriving the number of customers who give satisfaction rating greater than or equal to a predetermined value and generating production adjustment data of the product selected based on the number of customers.

New independent claim 16 and new dependent claims 17 and 18 are also submitted for examination. The Examiner is hereby authorized to charge the deposit account of Ladas & Parry, LLP. the fees required to have one additional independent claim examined and two additional dependent claims examined. The Ladas and Parry LLP deposit account number is 12-0400.

New claim 16 recites the means for correcting the product matrices is based on the condition data and usage evaluation data provided by the customer. New claim 17 recites the feature that the correction data and usage evaluation data stored in a storage part has reached a predetermined number. It is noted that none of Bazin and Nelson teaches or even suggests such the feature of claims 16 and 17.

10

New claim 18 recites that the product counseling system of claim 16 uses first and second matrices which are different from each other.

Reconsideration of the amended claims is respectfully requested. Consideration of the new claims is also respectfully requested.

2/14/2006
Date

Joseph P. Krause, Reg. No. 32,578
Attorney for Applicant

11